

From: The Martian Embassy
To: Microsoft ATR
Date: 1/23/02 9:22pm
Subject: Microsoft Settlement

: microsoft.atr@usdoj.gov
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To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

As per the Tunney Act, I wish to comment on the Microsoft settlement.

General Comment:

"We didn't do it...
and promise never to do it again!"

While somewhat cheeky, the above is still at least minimally respectful of the laws of the land. Microsoft's actions indicate that its officers do not have even that limited respect. I believe they will simply ignore the settlement's strictures, and the whole, expensive and slow process will have to start again.

Specific Comment:

"Ignorance is no protector of virtue."

The settlement apparently allows Microsoft to avoid documenting any portion of the software merely by claiming that the particular software elements are involved in "security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems" (section J). There seems to be no requirement that Microsoft prove that the code is involved in security or that its documentation would indeed compromise security.

Additionally, refusal to document interfaces could (and will) be used to stonewall attempts to determine whether the company has illegally appropriated non-Microsoft software. In particular, I refer to the so-called "Open Source" software which is often accompanied by a license restricting its incorporation into for-profit products.

Thank you.

Bruce de Graaf
23 Edmunds Way
Northborough, Massachusetts 01532